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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ADOLFO JAVIER VILLA, aka,
11 RAMON VILLA CONTRERAS,

12 Petitioner,

13 vs.

14 ISIDRO BACA, *et al.*,

15 Respondents.
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Case No. 3:14-cv-00343-HDM-VPC

ORDER

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
18 by a Nevada state prisoner.

19 Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the
20 information regarding petitioner's financial status, the Court finds that the motion to proceed *in*
21 *forma pauperis* should be granted.

22 Petitioner has filed a motion for the appointment of counsel. (ECF No. 1-2). Pursuant to 18
23 U.S.C. § 3006(a)(2)(B), the district court has discretion to appoint counsel when it determines that
24 the “interests of justice” require representation. There is no constitutional right to appointed counsel
25 for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v.*
26 *Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally
27 discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023
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1 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). The
2 petition on file in this action is well-written and sufficiently clear in presenting the issues that
3 petitioner wishes to bring. The issues in this case are not complex. Counsel is not justified in this
4 instance. The motion for the appointment of counsel is denied.

5 **IT IS THEREFORE ORDERED** that petitioner's motion for the appointment of counsel
6 (ECF No. 1-2) is **DENIED**.

7 **IT IS FURTHER ORDERED** that the application to proceed *in forma pauperis* (ECF No.
8 1) is **GRANTED**.

9 **IT IS FURTHER ORDERED** that the Clerk shall **FILE and ELECTRONICALLY**
10 **SERVE** the petition (ECF No. 1-1) upon the respondents.

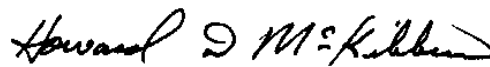
11 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry
12 of this order within which to answer, or otherwise respond to, the petition. In their answer or other
13 response, respondents shall address all claims presented in the petition. Respondents shall raise all
14 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
15 procedural default. **Successive motions to dismiss will not be entertained**. If an answer is filed,
16 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in
17 the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
18 **forty-five (45) days** from the date of service of the answer to file a reply.

19 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
20 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
21 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
22 Division of the Clerk of Court. The hard copy of all exhibits submitted to the Court shall be tabbed
23 and shall be bound along the top edge of the page.

24 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
25 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
26 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
27 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
28 General. The Court may disregard any paper that does not include a certificate of service. After

1 respondents appear in this action, petitioner shall make such service upon the particular Deputy
2 Attorney General assigned to the case.

3 Dated this 15th day of October, 2014.

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6 UNITED STATES DISTRICT JUDGE
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